Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at http://about.jstor.org/participate-jstor/individuals/early-journal-content.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

scale v. *Bosworth* (1867) 98 Mass. 34; *Benett* v. *Peninsular, etc. Steamboat Co.* (1855) 16 C. B. 28; see *Newton* v. *Boodle* (1847) 3 C. B. 795, and in criminal cases, *Bailey* v. *United States* (1909) 3 Okla. Crim. 175, 104 Pac. 917; *Richardson* v. *State* (1907) 13 Wyo. 465, 89 Pac. 1027, even in the absence of a statute expressly authorizing such an act. *Clemmons* v. *Archbell* (1890) 107 N. C. 653, 12 S. E. 572; *Bailey* v. *United States, supra.* However, there is a minority rule that where the courts are the creatures of statutes and without common law jurisdiction, they are bound by the limitations of such statutes, and that where power is given to order a new trial only after a review, relief will be denied in the absence of such a review, regardless of circumstances. *Stenographer Cases* (1905) 100 Me. 271, 61 Atl. 782; *Etchells* v. *Wainwright* (1904) 76 Conn. 534, 57 Atl. 121; *Alley* v. *McCabe* (1892) 46 Ill. App. 368, *aff'd* (1893) 147 Ill. 410, 35 N. E. 615; *cf. Lidgerwood Mfg. Co.* v. *Rogers* (1889) 56 N. Y. Super. Ct. 350, 4 N. Y. Supp. 716, *aff'd* (1891) 130 N. Y. 660, 29 N. E. 1034; *Butts* v. *Anderson* (1907) 19 Okla. 367, 91 Pac. 906. These holdings are supported by the arguments that the decision of the trial court must be presumed to be correct until the appellant shows the contrary, and that, therefore, it would be unjust to shift the misfortune of the appellant to the appellee. *Alley* v. *McCabe, supra.* Admitting the soundness of this contention, it is interesting to note that until the decision of the principal case no court had ever applied the minority rule to a criminal conviction. In a criminal case the defendant is entitled to the benefit of every reasonable doubt; hence it is submitted that the court erred in pressing the minority rule beyond its logical extreme and in construing its constitutional powers too narrowly. See *Borrowscale* v. *Bosworth, supra; Bailey* v. *United States, supra.* It is a lamentable result that an unforeseen act or the default of a court official can operate to deprive a party of his right of appeal.

CRIMINAL LAW—RECEIVING STOLEN GOODS—IDENTITY OF STOLEN PROPERTY.—B, induced by A's fraud, telegraphed several New York banks from Philadelphia to place funds to A's credit at the X Trust Company. Out of this credit A gave $21,000 in bank-notes to the relator, who knew of A's fraud. The relator was committed by the magistrate on a charge of criminally receiving stolen goods. Reversing an order of the Appellate Division sustaining a writ of *habeas corpus,* 185 App. Div. 667, 173 N. Y. Supp. 693, *held,* the relator was properly committed. *People ex rel. Briggs* v. *Hanley* (1919) 226 N. Y. 453, 123 N. E. 663.

In its decision the Court of Appeals, "stripping" the facts "of legal fiction as to the identity of money," declared simply that A's "credit" being a stolen "credit," money drawn from the Trust Company by reason of it was stolen money, and that the relator, accepting that money knowing it to be stolen, was clearly guilty under §1308 of the Penal Law. N. Y. Consol. Laws c. 40 (Laws of 1909 c. 88) §1308. For a criticism of the decision of the Appellate Division and a discussion of the principles underlying the case, see 19 Columbia Law Rev. 229.